

The Times-Dispatch

DAILED WEEKLY-SUNDAY

Business Office.....916 E. Main Street
 Richmond Office.....1103 Hull Street
 Petersburg Office.....109 N. Sycamore Street
 Lynchburg Office.....215 Eighth Street

BY MAIL. One Six Three One
 POSTAGE PAID. Year. Mo. Mo. Mo.
 Daily with Sunday.....\$6.00 \$1.50 .55
 Daily without Sunday.....4.00 2.00 1.00 .35
 Sunday edition only.....2.00 1.00 .50 .25
 Weekly (Wednesday).....1.00 .50 .25 .15

By Times-Dispatch Carrier Delivery Service in Richmond and suburbs, Manchester and Petersburg.

One Week
 Daily with Sunday.....14 cents
 Daily without Sunday.....10 cents
 Sunday only.....5 cents

Entered January 27, 1903, at Richmond, Va., as second-class matter under act of Congress of March 3, 1879.

THURSDAY, DECEMBER 16, 1903.

THE BATTLE ABBEY.

There was able, influential and thoroughly disinterested opposition to the slab-sided lot which the Council has selected for the Confederate Memorial, or Battle Abbey. But in at least one instance, opposition was silenced and withdrawn by the fear, probably well-founded, that the motives of the opposer were being, or would be, misconstrued. We should say that this was a great pity. If the Times-Dispatch were notified or rebuked into silence every time its motives were questioned, it would have to stay silent most of the time. Probably this paper has never fought for or against anything in its life without somebody immediately asking, and undertaking to answer: "What is there in it for them?" This type of back-handed "argument" is a familiar commonplace in every newspaper office. From a certain type of mind it may be expected as surely as night's following of day, and should be correspondingly disregarded.

We take it that motives—to say nothing of mean guesses at motives—are of much less importance than facts and results. The one important thing here was to get the best site possible for the Battle Abbey. Whose suggestion this site was, what secret or sinister design he had in suggesting it, was a trivial detail. Two and two make four, no matter whether it is Socrates who says so or Judas Iscariot. Nobody knows now whether the placing of the Arc de Triomphe in Paris was or was not tainted with the plottings of real estate speculators. Nobody cares in the least. Twenty years from now nobody will be much interested in the motives of those who placed the Battle Abbey, and certainly much less in cheap suspicions of their motives. The only interest will be in the site itself. Was it the best site procurable or was it not? There is no other question but that. A poor site selected from honorable and lofty motives is a much worse day's work than a perfect site chosen from the greediest and most sordid motives in the world.

The Times-Dispatch has for some time been silent about the Abbey, though not from sensitiveness or timidity. It became apparent that the location favored by this paper had little or no chance, and that the Council must either agree on some different location, or never agree on anything. We took our hands off. Now that the matter is definitely settled, we beg to record again our opinion that the Abbey should stand in a great circle at Rosemeath Road, and that the odd-shaped lot selected embodies a permanent mistake. The designated tri-corner is, indeed, better than Twelfth and Clay Streets, or even the 13th-Preference at the corner of some minor West End street. But to us, and we dare say to many others through the future, it will be a matter of keen regret that those in authority, having approached so near to what was ideal, balked at the final step and fell back on something distinctly inferior.

THE CASE OF DR. COOK.

If the Copenhagen committee finds for Dr. Cook, a great many people will entirely disregard its decision. They will say that the committee is prejudiced or incompetent, and will serenely adhere to the previously formed opinion that the Brooklyn physician is an impostor. That opinion has unfortunately taken firm root. Not the complete indorsement of every scientific body in the world would ever fully weed it out.

On the other hand, if the Copenhagen committee should denounce Dr. Cook as an audacious luncheon, there will also be found many who will pay no attention whatever to its findings. They, too, will say that the committee is incompetent or cowardly by the clamor of the Pearyites or something else, and will hold fast to their present opinion that Cook is the discoverer of the Pole, whom powerful enemies have conspired to discredit. Sympathies and antipathies have been so thoroughly aroused in the preliminary controversy that, no matter how plain the counter-proof might be, that idea is destined to survive as obstinately as the other. But we speak chiefly of the unthinking classes, whose opinions cannot carry much weight. The vast majority of the thoughtful will accept the voice of authority as authoritative. It is possible that the Copenhagen committee will make no direct decision, that it will report, for instance, that Cook's data are inconclusive, and that the question of his exploit remains in doubt. But if it announces a strong and definite verdict, as is earnestly to be hoped, that verdict will come pretty near being that with most of us. The committee appears to be thoroughly competent; its general attitude toward the Doctor is not marked by any excess of cordiality; and it is known that his documentary evidence will be subjected to a grilling beside which what Peary got from the Geographical

Society was like a cursory and casual glance. If Copenhagen should report that Cook's papers left no shadow of doubt that he was at the Pole on April 21, 1908, exactly as he has said, a great many honest Americans, editors and others, will own him the sincerest and humblest apologies. If the report should characterize him as a self-demonstrated charlatan, there would, on the other hand, be little more for any editor to say about him. Certainly no word of ours could add a touch to the total of his immortal obloquy.

ROYAL TRENCHMEN.

Large deeds and large appetites belong to the same men. At least a writer in the British Medical Journal is convinced that the greater the man the greater his gastronomic capacity. In an ascending scale, the courtier eats more than the laborer; the chancellor exceeds the secretary; the king leads all. In fact, this writer would have us believe that the divine right to rule, in other days, carried with it a divine right to stuff. The figures of royal trenchermen appear over and over again in those goosely "back-stairs" chronicles of courts which some of us delight to read. Where there was one king who ate lightly and seldom, there were half a dozen who devoted themselves with more zeal to their tables than to their cabinets. They were no ordinary eaters, no indiscriminate conquerors of whatever was set before them. They had their peculiarities and their customs. For example, only a king could eat six times a day. The great Emperor Charles V., who ruled over half Europe, took time from the affairs of state to spend at least five hours at the table. A goodly breakfast would but whet his appetite for a mighty dinner, and a healthy supper did not keep him from vastly relishing a midnight spread. Good King George, who first introduced German beer to Windsor and earned the gratitude of a nation, frequently interrupted Cabinet meetings for collations, and often disappeared from a formal gathering to be found, later on, at the buffet.

Then, too, these kings ate as heartily as they ate often. They had to show their superiority here as elsewhere. Worthy Roger Ascham stood with admiration as he watched the Emperor Charles at the board. Indeed, in his eyes, the King's greatest title to fame was the fact that whenever he raised the cup to his lips he drank at least a quart. Louis XIV. and his successor were equal in their prowess. The Sun King's average meal was four plates of soup, a pheasant, a partridge, a plate of salad, two slices of ham, mutton, a dish of pastry, several eggs and a goodly supply of fruit. King George always boasted that he could eat more than his whole Cabinet together, and Queen Elizabeth would have hid her face in shame could she not have devoured more capon than all her courtiers combined.

One is not surprised that all these monarchs, with the exception of Louis XIV., found little time for business. Who could blame Charles V. for sighing over the burdens of state as he left the banquet hall? Who could reproach him when he renounced his entire empire to devote himself to his bill of fare? These kings had work enough without trifling with the affairs of state.

THE CONWAY VERDICT.

Public sentiment is very strong that the verdict in the Conway murder trial represents a great miscarriage of justice. A man felt to be both morally and legally guilty escapes all punishment under the law. His act is virtually indorsed and he is declared fit to go forth and mingle with society. This result does not seem desirable or right or just in the least. Yet when we come to try to fix blame for it, we immediately find ourselves puzzled and stalled. The jury cannot properly be blamed for the result. Nearly every lawyer in Richmond would agree that under the instructions of the court any other verdict would have been all most impossible. Neither the judge nor the prosecuting attorney can be blamed for it. We assume that the judge laid down the law as it was, certainly without any predisposition in favor of the accused, and that the prosecutor made the most of the evidence at his disposal. Nobody seems to blame. Yet the simple, stark fact remains that Conway, having shot down an unarmed man who had never done him a wrong, is allowed to go scot-free.

The court ruled, in effect, that if the accused had reasonable apprehension of danger to his life, and if this fear was supported by any threatening gesture from Torrence when the two men met, the jury must acquit. The evidence as presented showed that Conway did have reason to fear for his life, and that Torrence did make a threatening gesture. Apparently it showed this most clearly and indisputably since twelve men, of an average high above the usual jury, immediately and unanimously agreed that Conway was not guilty under the law. This seems to reduce the blame to the law, and we believe that here is precisely where it belongs. Is it not plain that the law of self-defense as it stands is capable of being stretched to the most dangerous lengths? Is it not plain that it sometimes comes perilously near to a simple license to kill?

Let us admit that the evidence as presented built up a reasonable and convincing case of self-defense. It is still true that the evidence as presented may have given a wholly distorted picture of the actual facts. The accused in a murder trial has the enormous advantage of being here to speak for himself. Conway living contends with Torrence dead. It is a one-sided struggle. Had Torrence been able to present his side of it in court the picture might have looked very different. For every witness that Conway produced to tell of the "menacing gesture" Torrence might have pro-

duced two to swear that no such gesture was made. The threats to kill, too, might have been as readily disproved as proved. Sworn testimony is the best we can do, but we cannot pretend that a certain amount of it, given when uncontroverted, necessarily gives a true record of events. The most honest witness, reflecting much on a scene which he saw many weeks before, can, gradually and unconsciously, read into it details which actually never took place. Memory plays strange tricks. Torrence's hand, possibly not noticed at all at the time, slowly swings backward as the days recede, and at length is remembered actually in the hip-pocket grasping a gun which never was there.

We know nothing about this case except what was brought out in the evidence. This evidence seems to have proved that Torrence did make a gesture which could reasonably have been construed into a movement toward a pistol. But isn't this a very shadowy and uncertain ground on which to base the vast concrete distinction between innocence and guilt? The terrible danger of this ground is that it can nearly always be established with some show of plausibility. He is a very lucky slayer indeed who cannot produce some sort of evidence to show that he feared for his life at the hands of the dead man, who for obvious reasons can make no reply. The result is to put man-killers, under exactly the conditions under which it is often likely to take place, almost beyond the reach of punishment.

Against such a state of affairs there is a profound and growing public indignation. We think the people are heartily sick of this "gesture toward his hip-pocket" defense for shooting down unarmed men. They would like to see somewhat less solicitude for the supposed rights of the killer, and more for essential justice and morality. It seems impossible to censure anybody for the failure to convict in this case, pernicious as it adds with public morals as it seems. But we should say that a radical overhauling of the body of law governing self-defense was decidedly in order.

However, it takes a positively sultry winter to deter any of the little star-eyed blondes of Richmond from wearing their new furs.

The next move in the corporation publicity program will be to compel them to conduct their business on the sidewalk in fullest view of the audience.

We trust that the Missouri, which is about to sail for Nicaragua, will give the Delaware mud-flat district a full-width berth.

The bath-tub mystery with which the Richmond parlor-boarders are most familiar is simply how any human being can have the nerve to occupy it from 7:30 to 8:30 A. M. inclusive.

They have sentenced Tolstoy's publisher to a year's imprisonment, which is a whole lot safer than doing it to Tolstoy.

If Mexico and the United States together are not equal to coping with Nicaragua, we might make some overtures to Uruguay or British Guiana.

The Aldermen of the city of Montreal are said to have stolen \$7,200,000 in the last six years. Yet some people say that Canada is not a live, up-to-date country.

It is certain that Congress will do enough work to pass the appropriation bills anyway. The rest is as Allah wills.

Judge Lorton was not born yesterday, of course. But those who take him for a venerable fossil are warned to stand ready with a few more thinks later on.

Dr. Cook is in quiet retirement, which is exactly where Dunkle and Looney ought to have been all along.

Our international corps of little research-workers has completed tables showing that Victor Murdock's optimism about Speaker Cannon's resignation is far and away the biggest optimism in the world.

Zelaya, having for once been given the griffin to see himself as others see him, is feeling fighting mad. Most of us are just like that.

Persons desiring to cross the Delaware River are urged to take the ferryboat Prairie. Ten days of bad weather and absolute freedom from sea-sickness.

"Dr. Cook is a Democrat," muses the Washington Herald. Now who wonders that the gentleman's been a storm-center for months.

The Night Before Christmas. 'Twas the night before Christmas—a perfect uproar.

From cellar to garret there was not a jerk. But held its full quota of empties knee deep.

And presents were everywhere stowed in a heap. No trying to find a good place for a nap.

Or peering to hang up vest, pants, coat or cap. Each nook was pre-empted, each chair full of sprigs.

Of holly and ivy, prunes, raisins and figs. And currants and apples, and citron and wine.

Waste paper and wrap-cord, and (in) sel and twine. Each settee and sofa, the bureaus and beds.

Were littered with ships, sailors, soldiers and sleds. The ladies were working like Trojans.

The tree with the fixtures and answer each ring. Of each, receive bundles and stow them around.

In any uncoupled spot to be found. Then hastening back to their toiling again.

Their temper meanwhile undergoing a strain. With a never a lift of a hand from the floor.

Who sneaked away early to be at the club. When suddenly in came Old Nick with

Clearer the snow from his brow and his beard with one brush.

Took off his fur coat, gave his trousers sent the ladies to bed and got down to his work.

And quick as a flash, then out on the street. He sauntered on slowly, when he should have in-
 But old Nick, whose tree Nick had dressed. With cheeks most as red as the rose on his breast.

Nick snuck a word, opened his sack, chuckled O. In. And the governor from that day has never been seen.

D. H. KENNEY.

Borrowed Jingles

WISE.

She's not versed in Greek or Latin, and of art she knows nothing. She never studied music, and to clubs she never goes. To hear some weighty paper on the poetry of Poe. The "Ode" and "Idylls" are all things she doesn't know. But her Christmas shopping journeys she can't think of giving up. For she knows exactly what to buy to give unto a man.

In discussions of the graces she is silent as a clump. And she is free entirely from all trace of epigram. To the classics she's a stranger, and to verse she's a stranger. And on higher criticism she cannot converse with you. But she's wise, and who can doubt it when I tell you she can plan. A shopping list at Christmas, knowing what will please a man?

You may boast about your culture, you may brag about your art. You may think you are clever, and you may think that you are smart. You may talk in French and German, and you may quote, and you may quote. And you may think that you are great. But your Christmas shopping journeys, you must not forget to plan. Go down with her money and buy something for a man.

Detroit Free Press.

MERELY JOKING.

His Earthly Task. "Do you think the deacon will be entirely happy hereafter?"

"Why not?" "I fear the good man will feel lonely in his church mortgage to lift."—Pittsburg Post.

Family Exchange. "My wife is getting me a pair of face curtains for Christmas."

"What are you going to give her?" "I'll get her a shotgun."—Louisville Courier-Journal.

Quite So. "This advertisement savors of pessimism."

"What's that?" "Gentlemen offers to exchange a Christmas present for something useful."—Kansas City Journal.

Sure Proof. "Cesar was a good writer?"

"Yes, I told him so, and now he thinks the wisest guy in town."—Cleveland Leader.

Near Christmas. "Cesar was a good writer?"

"Yes, I told him so, and now he thinks the wisest guy in town."—Cleveland Leader.

That Convicted Him. "You can't flatter Jones."

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